



BOARD OF APPEALS
Enid Starr, Co-Chair
Jesse Geller, Co-Chair
Robert De Vries

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Town of Brookline
Massachusetts
BUILDING DEPT.
TOWN OF BROOKLINE

Town Hall, 1st Floor
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Brookline, MA 02445-6899
(617) 730-2010 Fax (617) 730-2043
Patrick J. Ward, Clerk

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 080024

Petitioner, Steve and Joanna Mark applied to the Building Commissioner for permission to construct renovations and additions per plans. The application was denied and an appeal was taken to this Board.

On June 12, 2008, the Board met and determined that the properties affected were those shown on a schedule in accordance with the certification prepared by the Assessors of the Town of Brookline and approved by the Board of Appeals and fixed August 7, 2008 at 7:00 P.M. in the Selectmen's Hearing Room on the sixth floor of Town Hall as the time and place of a hearing on the appeal. Notice of the hearing was mailed to the petitioner, to its attorney, to the owners of properties deemed by the Board to be affected as they appeared on the most recent local tax list, to the Planning Board and to all others required by law. Notice of the hearings were published on July 17, 2008 and July 24, 2008 in the Brookline Tab, a newspaper published in Brookline. Copy of said notice is as follows:

TOWN OF BROOKLINE
MASSACHUSETTS
BOARD OF APPEALS
NOTICE OF HEARING

PETITIONER: **Mark Steven R. Mark, Joanne R.**

LOCATION OF PREMISES: **237 Bonad Road, Brkl**

DATE AND PLACE OF HEARING: Thursday, August 7, 2008 at 7:00 PM in the Main Library,
2nd floor

A public hearing will be held for a variance and/or special permit from

1) 5.09.2.j Design Review, Special Permit Required.

2) 5.20; Floor Area Ratio, Variance Required.

3) 5.22.3 b.1.b; Exceptions to Floor Area Ratio (FAR)

Regulations for Residential Units, Special Permit Required.

4) 8.02.1; Alteration or Extension, Special Permit Required

Of the Zoning By-Law to renovations and additions per plans at **237 Bonad Rd Brkl.**

Said premises located in a district.

Hearings, once opened, may be continued by the Chair to a date and time certain. No further notice will be mailed to abutters or advertised in the TAB. Questions regarding whether a hearing has been continued, or the date and time of any hearing may be directed to the Zoning Administrator at 617-734-2134 or check meeting calendar at: <http://calendars.town.brookline.ma.us/MasterTownCalendar/?FormID=158>.

The Town of Brookline does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services or activities. Individuals who need auxiliary aids for effective communication in programs and services of the Town of Brookline are invited to make their needs known to the ADA Coordinator, Stephen Bressler, Town of Brookline, 11 Pierce Street, Brookline, MA 02445. Telephone: (617) 730-2330; TDD (617) 730-2327.

**Enid Starr
Jesse Geller
Robert De Vries**

On August 7, 2008 at the time and place specified in the notice a public hearing was held by this Board. Present were Chairperson Enid M. Starr, and Board Members Jesse Geller and Jonathan E. Book.

Steve and Joanna Mark, the owners of the property at 237 Bonad Road, Chestnut Hill, MA were represented by Attorney Kenneth B. Hoffman of Holland & Knight LLP, 10 St. James Avenue, Boston, MA 02116. Mr. Hoffman introduced the applicant's proposed improvements to their existing home at 237 Bonad Road. The Marks wish to build a two and a half story front addition and two dormers on the third floor of their existing dwelling. The addition, approximately five feet wide by 14 feet deep, would align with and extend from the existing wall of the dwelling's entryway and then back to align with the dwelling's side wall. The entire roof would be removed and replaced and extended over the new addition. In conjunction, dormers at the front and rear of the dwelling's new roof would provide additional living area at the third floor.

The addition and dormers would provide for a new entryway, a reconfigured stair from the basement to the third floor, and additional living space on the second and third floors. The front addition would be finished with brick to match the existing dwelling, and the new dormer would be finished with shingles, similar to the dwelling's rear and side facades.

Mr. Hoffman described the site and neighborhood as follows:

237 Bonad Road is a 2-½ story brick with Tudor-style trim single-family house situated on Bonad Road halfway between Grassmere Road and Independence Drive. An asphalt driveway exists to the north of the building and leads to a small garage in the rear corner of the

lot. The neighborhood consists primarily of single-family residences similar in size to the subject property.

Mr. Hoffman indicated relief by special permit is required under Section 5.09.2.j, Design Review, and Section 5.22.3.b.1.b, Exceptions to Floor Area Ratio Regulations for Residential Units. Mr. Hoffman stated that the increased floor area over the allowed was only 436 s.f. The following describes the relief required in greater detail and the justification for the relief under the design review standards.

Section 5.09.2.j – Design Review: Any exterior addition for which a special permit is requested pursuant to Section 5.22 (Exceptions to Maximum Floor Area Ratio Regulations) requires a special permit subject to the design review standards listed under Section 5.09.4(a-1). The most relevant sections of the design review standards and their relevance to the proposed improvements are described below:

- *Preservation of Trees and Landscape:* Although the proposed addition would be located where there are currently plantings, no significant landscape features that cannot be replaced are expected to be removed with this proposal. Currently the site's landscaping consists of primarily shrubbery, grass, and a tree in the front yard.
- *Relation of Buildings to Environment:* The existing lot is relatively flat and similar in size and shape as neighboring dwellings, with most of the lot's landscaping located to the rear. The proposed addition and dormers are not expected to cause significant shadows on neighboring properties or public streets; the overall proposal is within the zoning district's height limits, and the addition does not extend out beyond the structure's main walls.
- *Relation of Buildings to the Form of the Streetscape and Neighborhood:* The proposed addition is consistent in style, including its detailing and overall fenestration, with the existing dwelling as well as with neighboring dwellings. The addition is not expected to change the overall character of the existing dwelling, which is currently very similar to others in the immediate neighborhood.
- *Circulation:* The proposed addition will not interfere with the existing vehicular circulation on the lot, though it will be in close proximity to the current driveway.

Section 5.20 – Floor Area Ratio

Section 5.22.3.b.1.b – Exceptions to FAR Regulations for Residential Units: A special permit is required for an external addition where the resulting gross floor area is not more than 120 percent of the permitted gross floor area.

FLOOR AREA

	Required	Existing	Proposed	Finding
Floor Area Ratio (% of allowed)	0.35 100%	0.03 85%	0.416 119%	Special Permit *
Floor Area (s.f.)	2,284.8	1,950	2,720	

*See Section 5.22.3.b.1.b above

Jonathan Zucker, the architect for the project, presented the design plans. Mr. Zucker is an architect with Magnetism Design at 558 Nahatan Street, Norwood, MA 02062. Mr. Zucker described the improvements as proposed on the plans dated 5/7/08.

The Board then asked for public comment and noted that the Board received a letter in support from the abutters to the subject property. No other persons spoke at the hearing.

The Board then heard from Polly Selkoe, Assistant Director for Regulatory Planning, who presented the Planning Board comments. She reported that:

“The Planning Board has no objections to the proposed addition as it is attractively designed and is not expected to have a detrimental impact on the neighborhood. The addition is designed to integrate well with the existing structure, and will likely improve the dwelling’s overall appearance. The Planning Board would like to emphasize that the materials used for the addition should be attractive and of a high quality, particularly the stucco-like facing.

Therefore, the Planning Board recommends approval of the plans prepared by Magnetism Design and dated 5/7/08, and the site plan prepared by Stephen LaMonica and last dated 4/17/08, subject to the following conditions:

1. Prior to the issuance of a building permit, final elevations, indicating all materials, shall be submitted to the Assistant Director for Regulatory Planning for review and approval.
2. Prior to the issuance of a building permit, the applicant shall submit to the Building Commissioner for review and approval for conformance to the Board of Appeals decision: 1) a final site plan stamped and signed by a registered engineer or land surveyor; 2) final building elevations stamped and signed by a registered architect; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.”

The Chair then called upon the Building Commissioner, Michael Shepard, for his comments. Mr. Shepard stated that the existing home is extremely well cared-for and in keeping with the rest of the neighborhood. He opined that the designer/architect did a very nice job integrating the addition with the rest of the home. He said that the Building Department supports the relief requested as well as the recommended conditions of the Planning Board.

Based upon the presentation and the submissions of the architect, the Board voted unanimously to grant the special permits required as set forth above for design review and for exceptions to floor area ratio regulations for residential units, allowing the project to be constructed. The Board found that the requirements for special permits in §9.05 have been met in that the specific site on Bonad Road is an appropriate location for the proposed improvements to the existing dwelling and further that the proposed improvements will benefit and compliment the neighborhood with architecture consistent with that existing in the neighborhood. Furthermore, no nuisance or serious hazard to vehicles or pedestrians will occur with the proposed development and the design plans illustrate that the improvements will prove adequate and appropriate for the proper operation of a single family dwelling.

Accordingly, the Board unanimously grants the special permits as noted, subject to the following conditions:

1. **Prior to the issuance of a building permit, final elevations, indicating all materials, shall be submitted to the Assistant Director for Regulatory Planning for review and approval.**
2. **Prior to the issuance of a building permit, the applicant shall submit to the Building Commissioner for review and approval for conformance to the Board of Appeals decision: 1) a final site plan stamped and signed by a registered engineer or land surveyor; 2) final building elevations stamped**

and signed by a registered architect; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

Unanimous Decision of
The Board of Appeals



Enid Starr

Filing Date: August 20, 2008

A True Copy

ATTEST:



Patrick J. Ward
Clerk, Board of Appeals

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